

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5587 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- KHUTAUNA District- Madhubani

1. Surya Narayan Yadav @ Suraj Yadav Son of Ghutar Yadav R/v- Jatahi, P.S.- Khutauna, District- Madhubani
2. Shrawan Kumar @ Shrawan Kumar Yadav Son of Surya Narayan Yadav @ Suraj Yadav R/v- Jatahi, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-05-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1 in order to enable him to surrender before the learned Court below, within a period of six weeks from today and avail the privilege of regular bail. Liberty so sought is granted.

Accordingly, the present petition qua the petitioner no.1 stands dismissed as not pressed.

Heard the learned counsel for the petitioner no.2 and learned APP for the State.

This is an application for grant of



anticipatory bail in connection with Khutauna P.S. Case No.68 of 2021, registered for offences under Sections 341, 323, 307, 379, 504, 354, 506 and 34 of the IPC.

The allegation is that while the informant alongwith one Jiwan Yadav was going to the school of his children on a motorcycle, on the way, the accused persons, including the petitioners herein had intercepted them and pulled them from the motorcycle, whereafter they had assaulted the informant and the said other person. As far as the petitioner no.1 is concerned, he is alleged to have assaulted the informant by means of *dabia* over his head, while the petitioner no.2 is stated to have assaulted the informant with *khanti*.

The learned counsel for the petitioner no.2 has submitted, by referring to the injury report, annexed as Annexure-2 series to the present petition that though the injuries sustained by the informant, attributable to the petitioner no.1, has not been found to be simple in nature, however, the injuries sustained by the informant,



attributable to the petitioner no.2 has been found to be simple in nature, hence, at least the petitioner no.2 be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that as far as the petitioner no.2 is concerned, the injuries sustained by the informant, attributable to the petitioner no.2, have been found to be simple in nature, I deem it fit and proper to admit the petitioner no.2 to the privilege of anticipatory bail.

Accordingly, the above named petitioner no.2 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten



thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1, Jhanjharpur in connection with Khutauna P.S. Case No.68 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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